

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN**

TIMOTHY BOZUNG, individually and on behalf of all others similarly situated,

Plaintiff,

v.

CHRISTIANBOOK, LLC f/k/a  
CHRISTIAN BOOK DISTRIBUTORS  
CATALOG, LLC,

Defendant.

Case No. 1:22-cv-00304-HYJ-RSK

Honorable Hala Y. Jarbou

**PLAINTIFF'S MOTION**

**JURY TRIAL DEMANDED**

**PLAINTIFF'S MOTION FOR LEAVE TO FILE A REPLY IN SUPPORT  
OF PLAINTIFF'S MOTION FOR RELIEF FROM JUDGMENT  
PURSUANT TO FED. R. CIV. P. 59(e) & FED. R. CIV. P. 60(b) AND FOR  
LEAVE TO FILE SECOND AMENDED COMPLAINT  
PURSUANT TO FED. R. CIV. P. 15(a)**

Plaintiff Timothy Bozung, individually and on behalf of all others similarly situated, files this Motion for Leave to File a Reply in Support of his Motion for Relief From Judgment pursuant to Federal Rules of Civil Procedure 59(e) and 60(b), and for Leave to File a Second Amended Complaint pursuant to Federal Rule of Civil Procedure 15(a):

1. On March 6, 2023, the Court issued its Order granting Defendant's Motion to Dismiss, ECF No. 52, and entered a Judgment dismissing the Complaint without prejudice. ECF No. 53.

2. On March 14, 2023, Plaintiff filed his Motion for Relief From Judgment pursuant to Federal Rules of Civil Procedure 59(e) and 60(b), and for Leave to File a Second Amended Complaint pursuant to Federal Rule of Civil Procedure 15(a). ECF Nos. 58, 59; Plaintiff included as Exhibit 1 thereto Plaintiff's proposed Second Amended Class Action Complaint.

3. As described in Plaintiff's above Motion, Plaintiff has uncovered additional factual information that further bolsters the central allegations that Defendant disclosed its Michigan customers' Private Reading, Listening, and Viewing Information during the relevant time period in violation of the Michigan PPPA.

4. On April 4, 2023, Defendant filed its Response in Opposition to Plaintiff's Motion for Relief From Judgment pursuant to Federal Rules of Civil

Procedure 59(e) and 60(b), and for Leave to File a Second Amended Complaint pursuant to Federal Rule of Civil Procedure 15(a). *See* ECF No. 70.

5. Plaintiff seeks leave of the Court to file Plaintiff's proposed Reply brief so that Plaintiff may properly address contentions raised in Defendant's Response brief and to provide the Court with a fuller picture regarding the contentions that Defendant raises.

6. Attached as **Exhibit I** hereto is Plaintiff's proposed Reply brief in Support of Plaintiff's Motion for Relief From Judgment pursuant to Federal Rules of Civil Procedure 59(e) and 60(b), and for Leave to File a Second Amended Complaint pursuant to Federal Rule of Civil Procedure 15(a); the proposed Reply brief contains 4,296 words.

7. On May 3, 2023, counsel for Plaintiff contacted counsel for Defendant regarding concurrence in this Motion. On May 4, 2023, counsel for Defendant communicated to counsel for Plaintiff that Defendant does not oppose Plaintiff's Motion for Leave to File a Reply.

WHEREFORE, Plaintiff respectfully requests that the Court grant Plaintiff's request herein, granting Plaintiff leave to file Plaintiff's proposed Reply in support of Plaintiff's request for relief from judgment pursuant to Fed. R. Civ. P. 59(e) and/or Fed. R. Civ. P. 60(b), and leave to file the proposed Second Amended Complaint pursuant to Federal Rule of Civil Procedure 15(a).

Dated: May 4, 2023

Respectfully submitted,

/s/ E. Powell Miller  
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*Counsel for Plaintiff and the Putative Class*

**CERTIFICATE OF SERVICE**

I hereby certify that on May 4, 2023, I electronically filed the foregoing documents using the Court's electronic filing system, which will notify all counsel of record authorized to receive such filings.

*/s/ E. Powell Miller*  
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